

IN The HIGH COURT OF JUDICATURE AT MADRAS
DATED: 08.03.2021
CORAM:
The HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P.No.5466 of 2021

R.Govindan

... Petitioner

-vs-

1. Government of Tamil Nadu,
represented by the Principal,
Secretary to Government,
Environment & Forest Department,
Secretariat, Chennai 600 009.

2. The Principal Chief Conservator
of Forests (Head of Forest Department)
Chennai 600 015.

3. The District Forest Officer,
Tiruvannamalai Forest Division,
Tiruvannamalai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the claim of the petitioner for regularization of services from the date of completion of 10 years of service on daily wage basis to pass appropriate orders to the said effect granting the petitioner all consequential service and monetary benefits and proportionate retirement and pensionary benefits on the petitioner's claim within a limited time frame.

For Petitioner : Mr.M.Sedhumadhavan

For Respondents: Mr.M.Elumalai

Additional Government Pleader

O R D E R

This Writ petition is filed, seeking a direction to the first respondent to consider the claim of the petitioner for regularization of services from the date of completion of 10 years of service on daily wage basis to pass appropriate orders to the said effect granting the petitioner all consequential service and monetary benefits and proportionate retirement and pensionary benefits on the petitioner's claim.

2. Mr.M.Elumalai, Additional Government Pleader takes notice for respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. The brief facts of the case are that the petitioner despite rendering continuous service right from the year 1981 as Plot Watcher / Farm Watcher and was regularly appointed as Forest Watcher in the year 2009 and retired from service in 2018, has not been granted any benefits at all, despite submitting various representations. Hence, the petitioner has filed the present Writ Petition seeking aforesaid relief.

4. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 10.12.2020, but, the same is yet to be disposed of by the 1st respondent. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the 1st respondent on merits.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 1st respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 1st respondent herein to consider the representation preferred by the petitioner dated 10.12.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 1st respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 10.12.2020 and this order, to the 1st respondent forthwith;

v) The 1st respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/
Sub Asst. Registrar

vum
To

1. Government of Tamil Nadu,
represented by the Principal,
Secretary to Government,
Environment & Forest Department,
Secretariat, Chennai 600 009.
2. The Principal Chief Conservator
of Forests (Head of Forest Department)
Chennai 600 015.
3. The District Forest Officer,
Tiruvannamalai Forest Division,
Tiruvannamalai.

+1 cc to Special Government Pleader (Forest) sr14654

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aa08/04/2021